

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 39263 of 2003(Y)

PETITIONERS:

1. SHAJU JOSEPH, AGED 42, S/O. LATE JOSEPH,
THATTEKKATTU, MAMALA P.O., KAKKADU.
2. AHKUNJU, AGED 42, S/O. SAIDU MUHAMMED,
KUDIYATTIL, MAMALA P.O., KAKKADU.
3. THAMARAKSHAN, AGED 39, S/O. VELAYUDHAN,
PAZHAYIDATHU, KAKKADU, MAMALA P.O.
4. BABU, AGED 32, S/O. DIVAKARAN,
VATTAPARAMBIL, MAMALA P.O., KAKKADU.

BY ADV. SRI.JACOB SEBASTIAN
SRI.PRAVEEN K. JOY

RESPONDENTS:

1. THIRUVANIYOOR GRAMA PANCHAYAT,
REP. BY ITS SECRETARY, THIRUVANIYOOR,
ERNAKULAM DISTRICT.
2. KERALA STATE POLLUTION CONTROL BOARD,
REP. BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM.
3. THE SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, GANDHI NAGAR, ERNAKULAM.
4. C.P.PRATHAPAN, S/O. LATE PADMANABHAN,
KUDAKKAL HOUSE, MAMALA, KAKKAD P.O.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
ADV. SRI.M.K.CHANDRAMOHANDAS, SC, KSPCB.
SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True photocopy of the complaint dated 30.10.2003 before the 1st respondent, Panchayat.

Ext.P2: True photocopy of true copy of the covering letter dated 30.10.2003.

Ext.P3: True photocopy of the postal acknowledgment card.

// True copy //

P.A. to Judge

KURIAN JOSEPH, J.

W.P.(C)NO.39263 OF 2003

Dated this the 2nd day of April 2007

JUDGMENT

Writ petition is filed with the following prayers:

1. Issue a writ in the nature of mandamus commanding respondents 1 to 3 to make inspection and verification with regard to the installation of the electric power motors and production capacity and various other functions of Metal Crusher Unit owned by the 4th respondent and take appropriate action to close down the unit in case there is violation of the conditions attached to granting the licences or violations of the statute.
2. Issue a writ, order or direction in the nature of mandamus or other appropriate writs, orders or directions directing the respondents 1 to 3 herein not to permit the 4th respondent to enhance the capacity of the existing metal crusher unit by installing new and additional machineries without getting fresh licence and fresh consent from them, as provided under law.

2. The Pollution Control Board has filed a report wherein it is stated that the site itself is unsuitable for installing a primary crusher since the unit had not undertaken the instructions for abating the pollution.

3. In the above circumstances, this writ petition is disposed of making it clear that in case any action is taken by the first respondent Panchayat in the matter, petitioners herein also shall be given an opportunity for hearing. It is also made clear that in case petitioners still have any grievance left, it will be open to them to approach the first and second respondents in which case appropriate action will be taken in this matter in accordance with law promptly.

Writ petition is accordingly disposed of.

KURIAN JOSEPH, JUDGE

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